

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cr134

UNITED STATES OF AMERICA

vs.

JOSEPH ALLEN HILLARD

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ORDER

THIS MATTER is before the Court upon motion of the defendant to self-report for service of his sentence pending appeal. (Doc. No. 33).

The defendant relies on 18 U.S.C. § 3145(c) for the proposition that a district court has authority to allow a defendant be released based on exceptional circumstances pending appeal. (Doc. No. 33: Motion at 4). The Court has previously ruled that a district court lacks that authority, and the cases cited by the defendant do not persuade the Court to rule differently here. See United States v. Khoa Nguyen, Case No. 3:06cr55; aff'd Case No. 06-4627 (4th Cir. July 21, 2006).

IT IS, THEREFORE, ORDERED that the defendant's motion is DENIED, and the defendant shall report by noon on Tuesday, June 10, 2008, to the U.S. Marshal's Office located in the Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, the United States Attorney, the United States Probation Office, and the United States Marshals Service.

Signed: June 6, 2008



Robert J. Conrad, Jr.
Chief United States District Judge

